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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-sixth (extraordinary) session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 21 August 2001, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Japan (continued) (E/1990/6/Add.21 and Corr.1; E/C.12/CAWAP/1; E/C.12/Q/JAP/1; E/C.12/2001/NGO/2-4; HRI/CORE.1/Add.111; written replies to the list of issues prepared by the Government of Japan (document without a symbol))

1. At the invitation of the Chairperson, Mr. Amano, Ms. Aoki, Ms. Asada, Mr. Beppu, Mr. Haraguchi, Mr. Inoue, Mr. Izumi, Mr. Kawai, Mr. Mori, Mr. Morimoto, Mr. Saito and Mr. Sakai (Japan) resumed their places at the Committee table.

Articles 6-9 of the Covenant (continued)

2. Mr. TEXIER asked why Japan had not ratified International Labour Organization (ILO) Conventions Nos. 105, 111 and 138 concerning the abolition of forced labour discrimination in employment and occupation and the minimum age for admission to employment, respectively. With regard to the latter he was aware that the minimum age for employment in Japan corresponded to that in the ILO Convention. According to official figures unemployment currently stood at around 4.8 per cent, but some sources reported figures as high as 15 per cent. He sought clarification in that regard. What was the effect of economic reform and more flexible employment conditions on the unemployment situation? Apparently there was a tendency to dismiss employees over the age of 55 who undoubtedly had difficulty in finding another job. According to information received from a non-governmental organization (NGO), a Tokyo district court had recently ruled that employers could freely dismiss staff. That was not in compliance with the provisions of the Covenant, in which Japanese judges clearly required some training. According to the report (E/1990/6/Add.21), the minimum legal wage was not adequate for a worker to support his family. What could be done to remedy the situation?

3. He expressed concern about working hours in Japan. Officially the working day should last no longer than 8 hours, but in practice it was far longer. Apparently it was normal for civil servants to work up to 14 hours per day. Bearing in mind that overtime was not remunerated in Japan and that overwork had an adverse effect on people's health, it was a matter that must be taken seriously. In that connection, what was the role of labour inspectors and were there sufficient numbers of them? How was the universal principle of equal pay for equal work applied in Japan, in practice, and by the courts? Allegedly there were considerable differences in the salaries paid to men and women; also, the part-time work favoured by the latter was paid a lower rate. Civil servants were not allowed to strike in Japan. That was not in compliance with article 8.2 of the Covenant, which provided for restrictions on the right to strike by members of the armed forces, the police or the administration of the State. According to a Supreme Court ruling such a blanket ban on the right to strike was constitutional, thus the provisions of article 8 could not be applied unless the Constitution was amended.

4. Mr. MALINVERNI said he failed to understand why civil servants such as teachers were not allowed to strike. Surely it would be preferable to restrict the right to strike to those civil servants who provided essential services or held positions of authority.

5. Ms. BARAHONA-RIERA said it was reported that a significant number of working women were employed on a part-time basis at their employers' and not at their own request. There were also reports of discrimination in the employment sector against women with children, and in general women had difficulty in gaining access to managerial posts and positions of authority. If there was no system of sanctions against such discrimination, how could equal opportunity in employment for women be guaranteed? What was the minimum pension for women and were all women eligible for a pension irrespective of the type of work they had done?

6. Mr. CEAUSU said that, according to the written replies, employers were legally obliged to set a retirement age of 60 or above. A Japanese bank employees' union reported that changes introduced to the pension system would raise the age at which a full pension could be drawn by one year every three years until it reached 65. As the retirement age for bank employees was currently 60, retirees would lose a year's pension, since they would have to wait until the age of 61 to draw it. The same union also complained of the practice of reducing salaries by more than 35 per cent when employees reached the age of 55. What did the Government intend to do to prevent those employees from forfeiting part of their pension and income?

7. Mr. IZUMI (Japan), replying to a question put at the previous meeting, said that the total number of national civil servants was 1,143,000; whereas there were 3,325,000 local civil servants. Five hundred and seven thousand national civil servants were members of the national staff agency.

8. Mr. MORIMOTO (Japan), replying to a question on the number of Koreans living in Japan, said that there were currently around 500,000 with the status of special permanent residents and a further 600,000 registered as foreign residents. Another 100,000 had come to Japan fairly recently either to study, seek employment or enter into marriage.

9. Mr. SAITO (Japan), responding to questions on the employment of the disabled, said that the current employment rate of the disabled in the private sector was 1.49 per cent. The target of 1.8 per cent had not yet been reached. The Government would pursue its efforts to promote their employment.

10. Mr. IZUMI (Japan), referring to a query about restrictions on the employment of the disabled in different sectors, said that in June 2001 the Government had surveyed 41 of the 63 categories of employment. In August 2001 measures had been introduced to promote the employment of the disabled in certain categories of employment. The survey of the remaining categories of employment would be completed with a view to lifting unnecessary restrictions by the end of 2002.

11. Mr. SAITO (Japan) said that the minimum wage system was universally applicable, including to the disabled. However, sometimes severe disabilities hindered normal conditions of employment. Such matters were examined by the regional authorities on a case-by-case basis to ensure that the disabled persons concerned earned a decent living.

12. With regard to the statement in paragraph 77 of the report to the effect that annual paid holidays were not likely to be taken in full, since workers tended to save them for emergencies and illness, he acknowledged that paid holidays were not the same as sick leave. However, not all Japanese took full advantage of their paid holidays, although the Government encouraged people to take as many rest days as possible.

13. Mr. IZUMI (Japan), commenting on Japan's position vis-à-vis various international conventions, said it had already acceded to ILO Convention No. 138 on the minimum age for admission to employment. ILO Conventions Nos. 105 and 151 on the abolition of forced labour and employment in public service respectively had not been ratified, pending a review of their compatibility with domestic legislation.

14. With respect to the Convention on the Reduction of Statelessness, he said Japan's position was that persons born abroad who had become stateless must be granted nationality. The system for granting nationality was based on the principle of lineage. Since under domestic law refugees were guaranteed certain basic rights, including the right to primary education and social security, the Government recognized the need to accede to the Convention relating to the Status of Refugees.

15. Mr. SAITO (Japan), responding to a query on economic restructuring and its effect on employment, said that one of the Government's priorities was to promote stable employment. In August 1999 a basic plan for employment had been drawn up to provide guidance for employers. The relevant government departments were coordinating efforts for the implementation of the plan with a view to stabilizing employment.

16. The minimum wage system was not applicable to civil servants. Regional minimum wages were set in different regional prefectures for each industrial sector.

17. Mr. BEPPU (Japan) said that there was no possibility of renewing the 1969 Law on Specials Measures for Dowa Projects. Over 30 years more than 13 billion yen had been spent in implementing measures to improve their living environment in the Dowa district. Since the special measures had applied only to those living in that district, it had been felt that they discriminated against people living elsewhere. In view of the increase in the population in the areas surrounding the Dowa district, it had been decided that, as of the end of March 2002, when the 1996 Law expired, further measures would simply be implemented as and when required.

18. Mr. SAITO (Japan), responding to queries on the pension system, said that disabled people were eligible for a pension at the age of 20, provided that they were certified as disabled and had paid the requisite amount in contributions. There was no minimum pension as such, the pension received depended on the level of contributions paid. The basic old-age pension for a

couple was 134,000 yen per month. According to a 1998 household survey that amount should be enough to cover a couple's basic expenditure on food, clothing and other items including insurance and medical care. There was no gender discrimination in the sense that both men and women who had paid contributions were eligible for a pension. With more women now working the question arose as to whether the pension scheme should be revised. Changes introduced in 2001 had been the subject of much debate - their intent was not to leave beneficiaries worse off but to improve the overall system. The age of entitlement to a full pension was to be progressively raised from 60 to 65, in two different phases, between 2001 and 2025, to take account of greater life expectancy. Appropriate accompanying measures would be adopted for the pensioners concerned. The ratio of social security expenditure to GDP in Japan was comparable to that in Western European countries. With greater life expectancy and falling birth rates the burden of social security expenditure was likely to increase. It was therefore important to have a sustainable system in place.

19. Mr. IZUMI (Japan), responding to comments on wage differences, said that staff associations at the local government level issued recommendations on acceptable wage levels. In the absence of such associations, local governments set wages in line with national standards for comparable work in the private and public sectors.

20. Mr. MORIMOTO (Japan) said that in cases of alleged unfair dismissal the legal precedent was the 1975 Supreme Court ruling overturning employers' right of dismissal where it was not justified. In deciding on the fairness of dismissal a variety of factors, such as the need to reduce staff numbers, would be taken into consideration.

21. Mr. SAITO (Japan) said that there was no minimum pension level established specifically for women. It was true that the wages of bank employees decreased after the age of 55. Wage rates would be an important factor, as the retirement age gradually increased. Wages were negotiated between labour and management, with advice from the Government.

22. With regard to the right to strike, public servants were considered to provide essential services and were not allowed to strike. The working conditions of teachers were guaranteed by staff committees at local level. Fire fighters were treated like the police, since, following the separation of the two services in 1948, they had retained a high level of authority for law enforcement. The Government had ratified ILO Convention No. 87 on freedom of association and protection of the right to organize and, in 1996, the ILO Committee of Experts on the Application of Conventions and Resolutions had welcomed the Government's report on its application of that Convention. The Government had no plans to change its policy in respect of article 8 of the Covenant, on trade union rights.

23. Mr. IZUMI (Japan) said that, in 1999, average overtime had been 29.5 hours per week, whereas government employees had averaged 40.9 hours in overtime. The average overtime of employees other than government employees had been 28.5 hours. Various steps were being taken to reduce overtime, including allowing all employees to go home at a set time on a certain day of the week. It was expected that increased use of information technology would also reduce working hours.

24. Ms. ASADA (Japan) said that equal employment opportunity was enshrined in law, and sex discrimination, particularly discrimination against working mothers, was prohibited. Disputes concerning sex discrimination were settled through arbitration set in motion at the request of the injured party. Less than 36 per cent of women workers worked part time, defined as less than 35 hours per week.

25. Mr. IZUMI (Japan) said that some of the questions raised by members of the Committee regarding "wartime comfort women" had already been discussed by the Human Rights Committee. In 1995, on the fiftieth anniversary of the end of the Second World War, the Prime Minister had expressed sincere apologies to the former "wartime comfort women". At the time of the launching of the Asian Women's Fund, established to make atonement to the women concerned, the Prime Minister had sent letters of apology to each of the former "wartime comfort women" in the Philippines, the Republic of Korea and Taiwan. With regard to compensation for individuals, the Government had fulfilled its obligations under the San Francisco Peace Treaty and other treaties. The right of individuals to seek compensation had been respected, and the matter had been settled. The Government nevertheless continued to recognize its moral obligations and had contributed 560 million yen to the Asian Women's Fund to be used for projects in favour of the former "wartime comfort women". Information and materials relating to "wartime comfort women" were being collected for presentation at symposiums, as well as being available for research purposes. In total, the Government would disburse about 700 million yen for projects by the Asian Women's Fund over a five-year period.

26. With regard to disclosure, public documents were open to the public. Documents relating to individuals were, however, subject to the right of privacy.

27. Ms. AOKI (Japan) said that, although it was left to the authors of textbooks to decide to what extent the history of "wartime comfort women" was to be covered, a total of 25 out 26 high school history books dealt with the issue.

28. The CHAIRPERSON invited members of the Committee to ask follow-up questions.

29. Mr. GRISSA said that the San Francisco Peace Treaty had been concluded between Governments, and he questioned whether such a treaty could put an end to claims for individual compensation.

30. Mr. CEAUSU, referring to the question of pensions, asked whether there might be a gap in coverage between the date of retirement and the date on which the old-age pension was paid.

31. The CHAIRPERSON said that the Asian Women's Fund was presumably a private entity and she asked whether the Government itself had paid out any compensation.

32. Mr. IZUMI (Japan) said that the Asian Women's Fund was a private entity which paid out "atonement" money, but the Government financed the Fund's operations. Government money was therefore used, in part, to pay compensation.

33. Mr. MORI (Japan) said that pensions were composed of two amounts: a fixed sum plus a payment related to the former wage. The fixed part of the pension was paid at the statutory

retirement age. The intention was to increase the statutory retirement age from the current level of 60 years to 65 years by 2013 and subsequently to 69 years by 2035. The 1994 revision of the social security legislation successively delayed the age at which a retiree was entitled to receive the wage-related portion of the pension.

34. Mr. SAITO (Japan) said that, according to Government statistics, unemployment stood at 4.8 per cent. The rate was calculated using standard statistical procedures and criteria recognized by OECD and ILO. The Government could not comment on the suggestion that the rate might be higher.

35. Mr. IZUMI (Japan) said that article 14 (b) of the San Francisco Peace Treaty dealt specifically with individual compensation. The compensation channelled through the Asian Women's Fund was in the nature of the fulfilment of a moral obligation.

Articles 10-12 of the Covenant

36. Mr. ATANGANA asked what steps the Government was taking to reduce family violence, trafficking in women, and corporal punishment of children in schools.

37. Mr. AHMED raised the question of public morality and the lenient attitude towards teenage prostitution. Cases of child abuse had risen five-fold between 1990 and 1995, and consensual sex relations with a 13-year old were not subject to prosecution. He asked what steps the Government intended to take to halt a moral decline that might be connected with the modernization of society.

38. Mr. PILLAY requested clarification of Government practice regarding eviction, as it appeared that the Government did not offer alternative housing in such cases. Claims relating to land or real estate expropriation were dealt with in a summary fashion, and there was no right of appeal, contrary to the guidance embodied in the Committee's General Comments Nos. 4 and 7. He asked whether the Government was planning to adopt legislation to allow for appeals against eviction orders.

39. Mr. MARTYNOV asked whether children born out of wedlock faced social, legal or economic discrimination. He also asked whether the right to housing was enshrined in law. With regard to environmental health, he asked what precautions were being taken to ensure the safety of nuclear power installations, bearing in mind the accident that had occurred in 1987 and the risks associated with such accidents in areas of high population density. Finally, he asked what the Government was doing about violence inflicted by teachers on students.

40. Mr. TEXIER asked whether people of no fixed abode were entitled to social security benefits, and whether the failure to respect the right to an adequate standard of living could be challenged in the courts. The information on evictions appeared to be contradictory; the Government had first stated that there were no forced evictions and then indicated that forced evictions were carried out according to the law. He referred in that context to the Committee's General Comments Nos. 4 and 7. With regard to question 30 on the list of issues, dealing with measures to rehabilitate the victims of the Great Hashin-Awaji Earthquake, he said that it was important for the Government to act in consultation with the people affected by natural disasters.

41. Mr. CEAUSU asked whether, in the light of the delegation's statement that the Land Expropriation Committee decided whether a landowner would be evicted, any legal remedies were available to the latter if the arrangement had not been amicable. Could the landowner request the courts to reverse the eviction order or adjust the amount of compensation established by the Committee?

42. The State party had said that, in the wake of the March 1997 nuclear accident, a survey had been conducted of concentrations of radioactive substances in the sea, the results of which had been transmitted to the Nuclear Safety Commission, which had determined that the levels of radiation recorded posed no danger to the environment or human health. Why had the survey results not been publicized? Had they been sent to the International Atomic Energy Agency, of which Japan was a member State?

43. Mr. RIEDEL said that although the delegation claimed that there were 20,400 homeless in Japan, not only had other sources put the number much higher, but on a recent visit he had been distressed to observe large numbers of homeless in the Osaka area, as well as in Kobe and Tokyo, living in appalling conditions on street corners or in parks or unsheltered car parks, an astonishing state of affairs for a highly industrialized country. Some 10 per cent of them suffered from tuberculosis and, although they received treatment, it was either too late or they were subsequently returned to the streets, where the vicious circle resumed. Despite the efforts of the Osaka authorities, some of the homeless lacked the strength or will to start again, while others were unemployable. How did the Government plan to address the problem?

44. It was also alleged that, having no fixed address, homeless persons could not receive their basic allowances. It was unsatisfactory that charitable organizations needed to serve as mailboxes for them. What benchmarks could the delegation offer the Committee for verification during consideration of the third periodic report?

45. Mr. WIMER ZAMBRANO asked whether the plans to develop housing for the needy were subject to public housing criteria as in other countries, where the number of square metres was determined by law. What was Japanese policy in that regard?

46. Mr. TSUNAKI (Japan) said that, while conjugal violence was a criminal offence, there was no adequately enforceable law. Men were not always aware that they were committing a crime, and continued to undermine the personal dignity of women. However, a law on conjugal violence would come into effect in October 2001 to give statutory support to the counselling and protection offered by the spousal violence support centres. First offenders were subject to a six-month restraining order and required to leave the conjugal home within two weeks of the offence. Violation of such order was subject to a fine not to exceed ¥ 1 million or a prison sentence of up to one year. Education and training were also provided for offenders and victims alike. The Gender Equality Bureau and the local municipalities would be responsible for enforcing the legislation.

47. Mr. AMANO (Japan) said that enforcement by the police had already increased in 2000, with the arrest of 134 men for spousal murder and 196 for conjugal abuse or injury. He acknowledged the importance of adequate enforcement of the law on spousal violence. The Women's Consulting Office assisted women and children and provided them with temporary protection. More permanent protection was available through the support centres, which would be endowed with better-trained staff and improved medical facilities.

48. Mr. ASADA (Japan), referring to prostitution among girls, said that men who used the services of girls under 18 years of age were prosecuted. Under the Law for Punishing Acts Related to Child Prostitution and Child Pornography and for Protecting Children, 985 arrests had been made in 2000, and 654 during the first half of 2001. The number of arrests of girl prostitutes in 2000 had been 4,130 as opposed to 4,475 in 1999, posting a small decline.

49. Mr. AMANO (Japan) said that, under the Anti-Prostitution Law, the authorities endeavoured to identify vulnerable women, and guidance centres gave protection and psychological care to victims.

50. Mr. SAKAI (Japan) said that although the Government implemented awareness-raising and other programmes for protecting children from abuse, the main problem encountered by the police was the inability to identify the perpetrators because such offences were rarely reported. Reported cases were fully investigated and a corps of 14,000 child-rights volunteers provided assistance.

51. Mr. AOKI (Japan) said that corporal punishment was prohibited in schools, and training sessions were organized to encourage teachers to find alternative methods of punishment. If such acts were reported, the Board of Education conducted a thorough investigation and determined the appropriate penalty, which each regional education committee must enforce. To date, 387 people had been thus penalized. Where bullying or violence by other pupils was concerned, the Ministry of Education, Culture, Sport, Science and Technology guaranteed that both victims and offenders continued their education.

52. Mr. KAWAI, referring to questions concerning housing, said the Government had begun implementation of its eighth comprehensive five-year housing construction plan since 1966, which obviated the need for legislation on the matter. The specific target for private housing was a minimum of 39 square metres for a family of three and 50 square metres for a family of five. The current plan would run until 2005, at which time the criteria would be revised.

53. Public housing, which was provided to those in the bottom 40 per cent income bracket, was the responsibility of the municipalities. Government assistance to the municipalities took the form of a subsidy amounting to one half of the difference between the rent paid by the tenant and the market rental value of the property. Living space specifications were laid down by the Ministry of Land, Infrastructure and Transport, and ranged from a minimum of 19 to a maximum of 80 square metres.

54. Due consideration was given to housing rights in Japan. Land expropriation for the construction of dams, roads and power plants was governed by law, but it was the Land

Expropriation Committee that decided on the modalities. The landowners and tenants affected were invited to public hearings, at which they could air their views. They could appeal against the Committee's decision to expropriate, and were entitled to compensation.

55. Mr. IZUMI (Japan), referring to the Committee's General Comment No. 7 on the right to housing, said that in the event of eviction compensation was granted as far as resources permitted. There were many circumstances in which persons could become homeless, but the authorities could not intervene in private matters. Expropriation of land was conducted in accordance with economic, social and cultural rights, and owners were protected by law.

56. Regarding the evacuation of the Utoro district of Uji in Kyoto Prefecture, he explained that there was an ongoing dispute between the residents and the real-estate developers, in which, under the Civil Code, the Government could not intervene. However, it indirectly supported the negotiations between the two parties. The municipality was doing what was necessary with regard to the water supply and infrastructure. An urban-planning design would shortly be submitted, and the Government would be prepared to give whatever help it could with its execution.

57. Mr. MORIMOTO (Japan) said that although children of unmarried parents were illegitimate, they enjoyed the same rights to basic services as legitimate children. Under the Civil Code, legitimate children bore the surname of their parents, whereas, by mutual agreement, an illegitimate child could bear the name of either parent. In an effort to protect the concept of "family", an illegitimate child's inheritance could be only half that of a legitimate child. All relevant information, such as gender and parents' civil status, was supplied at the time a birth was registered to enable the authorities to determine whether infants had been recognized by their fathers.

58. In the event of divorce, custody of a legitimate child could be granted to both parents or to either. On separation of the parents of an illegitimate child, custody was usually granted to the mother, with whom the relationship was considered to be more stable.

59. Concerning the accident in September 1999 at the Tokai reprocessing plant, he said that the uranium fuel plant monitoring committee had issued a report as early as December 1999 which had been made public. He did not know whether the International Atomic Energy Agency had produced a report on the incident.

60. Regarding the Hanshin-Awaji earthquake, he said that some 70,000 dwellings has been destroyed, and 60,000 families had had to be relocated. Both the local and central governments had provided those families with temporary shelter or assigned them existing housing, priority being given to the elderly, the infirm, single mothers with families and the disabled. In the view of the Government, sufficient housing had been provided. There had been no forced relocations.

61. On the issue of the homeless, the latest figures, which were probably incomplete, showed that there were 20,451 such persons, It was rather difficult to say just what the term "homeless" meant. Did it include persons temporarily homeless and housed in a government facility? What

about persons without their own homes? The central and local governments had a liaison committee for the homeless, which had devised measures to be taken. Homeless persons received counselling and support to help them become independent and break the vicious circle in which they found themselves. Job placement measures were also available. Where possible, health-care services were offered, especially in areas with a high incidence of tuberculosis. When homeless persons fell ill, they were provided with free or low-cost treatment. The situation of persons illegally living near roads, in parks or on river banks was always investigated prior to their being relocated.

62. Ms. BARAHONA-RIERA asked for figures on the number of abortions. What measures were taken to prevent unwanted pregnancies?

63. Mr. SADI asked whether Japan would consider exercising extraterritorial jurisdiction in connection with nationals who frequented child prostitutes abroad. He also sought figures on suicides related to school examination stress.

64. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization) commended the Japanese Government for the support it had given UNESCO in the area of education and cultural rights and the great importance it attached to following up on the Dakar Framework for Action as well as promoting education for all, literacy and life-long education programmes.

65. UNESCO underscored the close link between cultural rights and education and the importance of non-discrimination, the rights of minorities, equal educational opportunities and the rights of the child, all topics which had been addressed in the dialogue with the Japanese delegation. The Japanese Government and NGOs had been cooperating closely with UNESCO in promoting a programme of action for education for all, which included literacy measures. It was to be hoped that the dialogue on State obligations under the Covenant and the policy and legal dimensions of the Dakar Framework as they related to implementation of normative instruments would be given greater prominence in the ongoing cooperation between UNESCO and the Committee and in the context of Japan's work with UNESCO.

66. Mr. HUNT asked whether all instruction in public schools was in Japanese. Was it possible for at least some minorities to receive instruction in their mother tongue?

67. There was evidence that the Japanese school system was highly competitive, that many children did not have much time for leisure or play and that that led to excessive stress and developmental disorders. Did the Japanese delegation agree that that was an issue?

68. He asked the Japanese delegation to comment on alleged distortions of Japan's history in school textbooks, which had caused considerable international disquiet.

69. Mr. MARCHÁN ROMERO, referring to the Ainu minority and the right to culture, said that a reading of the country report suggested that Japan did not recognize the Ainu as an

indigenous minority, thereby depriving them of their identity. The law on the promotion of culture provided for cultural activities, but did not take into account economic factors that affected the exercise of cultural rights. He asked whether it was true that, in legislation passed in 1997, Japan had expropriated most of the land of the Ainu community.

70. Regarding intellectual property rights, he referred to paragraph 265 of Japan's second periodic report and the handling of patents resulting from scientific research undertaken at universities. Did Japanese legislation recognize the intellectual property rights of the author, or did it focus on protecting the economic and legal interests of universities and private companies?

71. Mr. WIMER ZAMBRANO asked whether there was a public television channel that was used for educational purposes.

72. Mr. CEASU pointed out that the word "illegitimate" in connection with children born out of wedlock was pejorative and should not be used. Women had a natural right to have children, regardless of whether they were married. Children were legitimate by definition, irrespective of whether or not they were born out of wedlock, because their birth was consistent with the law of nature. It was the task of governments and society to bring human law into line with natural law. The Committee had asked about children born out of wedlock not because it wanted to hear protracted explanations, but because it wanted to make the Japanese Government alive to the need to change attitudes and policies. It was to be hoped that the State party would take steps to amend the relevant policies and legislation accordingly.

73. Mr. MORIMOTO (Japan), replying to a comment on legitimate and illegitimate children, said that his delegation had already explained why the distinction was made. Legal marriage leading to the start of a family was promoted, but children born out of wedlock also needed to be protected. Future action would depend in part on public opinion, which currently called for treating legitimate and illegitimate children differently. There must be an ongoing debate in society and in the Government to come up with appropriate measures.

74. Mr. AMANO (Japan), replying to the question on extraterritorial rights exercised to prosecute Japanese nationals who frequented child prostitutes abroad, said that international police bodies were cooperating with the relevant national authorities, and a number of Japanese nationals had already been arrested in 1999 and 2000. In one case, a Japanese national who had made videos of sexual intercourse with a juvenile and sold it in Japan had been arrested.

75. Ms. AOKI (Japan), referring to the questions on stress associated with school entrance examinations, said that in order to avoid stressful exams, interviews and recommendations from lower-level schools were used as much as possible. Concerning suicides by schoolchildren, in 1999 there had been 163 cases, which was unacceptable. To fight that phenomenon, children should be taught the joys of living and learning respect for life. There were many reports of stress among schoolchildren, who had no time for play or leisure. The school curriculum guidelines had been revised, and, as from 2002, full discretion was to be allowed in terms of free time and learning; classes should be enjoyable, and the content of the curricula was to be greatly

improved. A five-day school week would be introduced as from that date; teachers and pupils would then have more time for other activities. The new guidelines also foresaw a reduction in class size at all levels and further hiring of teachers. School counselling services would be enhanced.

76. Concerning textbooks, she said that the curriculum guidelines gave a certain discretion to the author of a history textbook. The textbooks were reviewed by a screening committee, which monitored academic quality, although it could not rectify passages that it found to be strongly biased or objectionable: that had to be done by the author.

77. As for public television, she said that NHK, the national broadcasting corporation, had an educational channel, and its programmes were used in schools. There was also a so-called "university on the air", in which university-level lectures were broadcast on radio.

78. Mr. INOUE (Japan), replying to the question of the language used at public schools, said that Japanese was the official language; he believed that such was the practice in schools throughout the world. Pursuant to a decision by the municipality, foreign children could be given lessons in their own language and culture on an extracurricular basis. Foreign children in Japanese public schools came from 65 different language groups, and it would be problematic to choose a specific language to be used in school.

79. Regarding the Ainu people, the percentage of such persons attending university was lower than that of the general population. Scholarships or subsidies for purchasing stationery and other essential material were granted to Ainu who did not have the means to attend university. Further steps to improve the educational opportunities of the Ainu people would be taken as required.

80. Mr. ASADA (Japan), referring to a question on abortions, said that the abortion rate had been declining, but recently there had been an increase among girls and young women up to 24 years of age, perhaps because women were marrying younger and did not know about their alternatives or have access to proper contraceptive devices. To deal with that development, public health facilities offered counselling on pregnancy and contraception.

81. Regarding the Ainu people, she said that the Ainu had developed their own culture and language in their ancestral territories, where they had lived since the Middle Ages. But there was no internationally agreed definition of "indigenous people", and thus further study was needed before deciding whether that term applied to the Ainu. A liaison committee had been set up to help improve their economic and social status. Legislation had been introduced to ensure respect for the ethnicity, culture and language of the Ainu people, and measures were being taken to further understanding for the Ainu.

82. Mr. INOUE (Japan), referring to the question on intellectual property rights at universities, said that as legislation had not sufficiently covered the work of academic employees, an effort had recently been made to give greater consideration to the intellectual property rights of such persons.

83. Mr. HARAGUCHI (Japan) expressed appreciation to all members of the Committee for their important comments. The Japanese Government was aware that its efforts had not always been perfect or faultless and that further steps towards realizing the rights set out in the Covenant were required. The fruitful discussion with the Committee provided food for thought for Japan's policy-making. Although some differences of opinion remained between the Committee and his delegation on several issues, the dialogue had contributed to a mutual understanding. The Japanese Government strongly hoped that it would continue to benefit from its constructive relationship with the Committee.

The meeting rose at 6 p.m.